

Will we not resolve to serve here in the same spirit in which they served over there—and without fear of the political consequences to us? Only in this way can we approach the high eminence of service which they have so gloriously set for us. This concludes the ceremony.

On motion of Senator Winfield, and by unanimous consent, the proceedings of the Senate pursuant to S. R. 68 and the speeches made during the proceedings were ordered printed in the Journal.

On motion of Senator Taylor, the proceedings and speeches were also ordered printed in a supplement to the Journal of April 30, 1945.

SIXTY-SIXTH DAY

(Tuesday, May 1, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Kelley and Brown were granted leaves of absence for today on account of important business on motion of Senator Winfield.

Senator York was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senator Lanning was granted leave of absence for this morning on account of important business, on motion of Senator Metcalfe.

Senate Bill 335 on First Reading

Senator Bullock moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his in-

troducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

Absent—Excused

Brown	Moore
Kelley	York
Lanning	

The following bill then was introduced, read first time and referred to the Committee on Judicial Districts:

By Senator Bullock:

S. B. No. 335, A bill to be entitled "An Act to abolish the Eighty-eighth Judicial District and the District Court thereof; providing for the transfer of its cases to the District Court of the Ninety-first Judicial District; making bonds recognizances and writs and processes issued out of the District Court of the Eighty-eighth Judicial District returnable to the District Court of the Ninety-first Judicial District; providing for the approval of statements of fact, bills of exceptions and the making of any other order necessary in cases tried in said District Court of the Eighty-eighth Judicial District and appealed; and declaring an emergency."

Senate Bill 336 on First Reading

Senator Crawford moved that the rules adopted pursuant to Section 5

of Article III of the State Constitution be suspended to permit his introducing at this time a bill the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

Absent—Excused

Brown	Moore
Kelley	York
Lanning	

The following bill then was introduced, read first time and referred to the Committee on Finance:

By Senator Crawford:

S. B. No. 336, A bill to be entitled "An Act to create and dedicate the Acton Cemetery, in the County of Hood, State of Texas, as a State Historical Site, to include the monument erected over the remains of Mrs. Elizabeth Crockett, the wife of David Crockett, to beautify and protect said State Historical Site and place same under the care and direction of the State Parks Board; providing for an appropriation; and declaring an emergency."

Senate Bill 195 Set as Special Order

Senator Ramsey moved that Senate Bill No. 195 be set as a special order for Friday, May 4, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—24

Bullock	Martin
Carney	Mauritz
Chadick	Metcalf
Crawford	Moffett
Graves	Morris
Hazlewood	Parrish
Jones	Ramsey
Knight	Spears
Lane	Stanford

Stone
Sulak
Taylor

Vick
Weinert
Winfield

Absent

Aikin

Shivers

Absent—Excused

Brown
Kelley
Lanning

Moore
York

Senate Bill 208 Set as Special Order

Senator Sulak moved that Senate Bill No. 208 be set as a special order for Friday, May 4, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

Absent—Excused

Brown	Moore
Kelley	York
Lanning	

House Bill 309 Set as Special Order

Senator Metcalfe moved that House Bill No. 309 be set as a special order for Wednesday, May 2, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—26

Aikin	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

Absent—Excused

Brown	Moore
Kelley	York
Lanning	

Senate Bill 244 Set as Special Order

Senator Carney moved that Senate Bill No. 244 be set as a special order for Friday, May 4, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	

Nays—1

Spears

Absent—Excused

Brown	Moore
Kelley	York
Lanning	

Motion To Set Senate Bill 57 as Special Order

Senator Martin moved that Senate Bill 57 be set as a special order for Friday, May 4, 1945, immediately following the morning call.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—12

Bullock	Morris
Crawford	Parrish
Graves	Spears
Jones	Sulak
Knight	Vick
Martin	Winfield

Nays—9

Aikin	Moffett
Carney	Ramsey
Chadick	Stone
Hazlewood	Weinert
Lane	

Absent

Mauritz	Stanford
Metcalf	Taylor
Shivers	

Absent—Excused

Brown	Moore
Kelley	York
Lanning	

Motion to Set Senate Bill 35 as Special Order

Senator Stone moved that Senate Bill No. 35 be set as a special order for Friday, May 4, 1945, immediately following the morning call.

The motion was lost by the following vote:

Yeas—11

Crawford	Parrish
Graves	Spears
Knight	Stone
Martin	Sulak
Moffett	Vick
Morris	

Nays—11

Aikin	Lane
Bullock	Mauritz
Carney	Ramsey
Chadick	Weinert
Hazlewood	Winfield
Jones	

Absent

Metcalf	Stanford
Shivers	Taylor

Absent—Excused

Brown	Moore
Kelley	York
Lanning	

Senate Bill 137 Set as Special Order

Senator Vick moved that Senate Bill No. 137 be set as a special order for Friday, May 4, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—16

Carney	Parrish
Chadick	Spears
Crawford	Stanford
Graves	Stone
Jones	Sulak
Mauritz	Taylor
Moffett	Vick
Morris	Winfield

Nays—4

Aikin	Lane
Knight	Ramsey

Present—Not Voting

Weinert

Absent

Bullock	Metcalf
Hazlewood	Shivers
Martin	

Absent—Excused

Brown	Moore
Kelley	York
Lanning	

Senate Bill 337 on First Reading

By unanimous consent, the following local bill was introduced at this time, read first time and referred to the Committee on Education:

By Senator Parrish:

S. B. No. 337, A bill to be entitled "An Act to change the boundaries of the Shallowater Rural High School District No. 5, of Lubbock County, Texas, so as to include certain territory now embraced exclusively within Lubbock County, Texas, and now embraced in the Abernathy County Line Consolidated Independent School District located in Hale and Lubbock Counties, Texas; and declaring an emergency."

House Concurrent Resolution 69

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 69, Authorizing the Enrolling Clerk of the House to make certain changes in House Bill No. 743.

The resolution was read and was adopted.

Senate Bill 121 Set as Special Order

Senator Spears moved that Senate Bill No. 121 be set as special order for Friday, May 4, 1945 immediately following the morning call.

The motion prevailed by the following vote:

Yeas—26

Aikin	Carney
Bullock	Chadick

Crawford	Morris
Graves	Parrish
Hazlewood	Ramsey
Jones	Shivers
Knight	Spears
Lane	Stanford
Lanning	Stone
Martin	Sulak
Mauritz	Vick
Metcalf	Weinert
Moffett	Winfield

Nay—1

Taylor

Absent—Excused

Brown	Moore
Kelley	York

Senate Bill 325 Set as Special Order

Senator Morris moved that Senate Bill No. 325 be set as a special order for Friday, April 4, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	

Absent—Excused

Brown	Moore
Kelley	York

Senate Bill 178 Tabled

On motion of Senator Ramsey, Senate Bill 178 was laid on the table.

Senate Concurrent Resolution 23 Set as Special Order

Senator Chadick moved that Senate Concurrent Resolution No. 23 be set as a special order for Friday, May 4, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—18

Aikin	Metcalf
Carney	Moffett
Chadick	Moore
Crawford	Morris
Graves	Parrish
Jones	Spears
Knight	Stanford
Lane	Vick
Mauritz	Weinert

Nays—6

Bullock	Stone
Hazlewood	Taylor
Shivers	Winfield

Absent

Lanning	Ramsey
Martin	Sulak

Absent—Excused

Brown	York
Kelley	

Senate Bill 238 on Second Reading

The President laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 238, A bill to be entitled "An Act providing that any insurance company or association licensed by the Board of Insurance Commissioners to operate under Senate Bill No. 135, Acts of the Regular Session of the Forty-sixth Legislature, may issue policies on the stipulated, or specified premium plan which allow the insured the privilege of paying regular premiums weekly, monthly, quarterly, semi-annually, or annually as he may choose from time to time and providing that such policies may provide that upon maturity of benefits payable under the policy, or certificate, any balance of premium for the current policy year remaining unpaid shall be deducted from the benefits payable; validating these provisions in all outstanding policies, or certificates; repealing all laws or parts of laws in conflict herewith and declaring an emergency."

The bill was read second time and was passed to engrossment.

(Senator Spears in the Chair)

Senate Bill 238 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be sus-

pended and that S. B. No. 238 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

Absent—Excused

Brown	York
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Bullock	Moffett
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

Nays—1

Aikin

Absent

Moore

Absent—Excused

Brown	York
Kelley	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following resolutions:

H. C. R. No. 68, Authorizing the Enrolling Clerk to make certain corrections in House Bill No. 217.

H. C. R. No. 69, Authorizing the Enrolling Clerk to make certain corrections in House Bill No. 743.

H. C. R. No. 70, Authorizing the Enrolling Clerk to make certain changes in House Bill No. 801.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Senate Bill 176 on Second Reading

The Presiding Officer laid before the Senate, as a special order for this hour, on its second reading and passage to engrossment.

S. B. No. 176, A bill to be entitled "An Act to amend Chapter 122, Acts of 1915, 34th Legislature, known as Articles 31 and 41, inclusive, Revised Civil Statutes of Texas; repealing said Chapter 122, Acts of the 34th Legislature; providing for the creation of a State Board of Public Accountancy in Texas; providing for the appointment of members of said board, and prescribing their qualifications, powers and duties in regulating the practice of public accountancy in Texas; providing for the issuance of annual permits to practice public accountancy, providing for the examination of and issuance of the certificate of certified public accountant to qualified applicants; providing for hearings by the board and for an appeal and trial de novo by any aggrieved person from any order, rule or regulation of the board; repealing all laws in conflict therewith; providing for penalties for violating the provisions of said Act, and declaring an emergency."

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend S. B. No. 176 by striking out all above and below the enacting clause and substituting in lieu thereof the following:

(a)

"An Act to amend Chapter 122, Acts of 1915, Thirty-fourth Legislature, known as Article 31 to 41, inclusive,

Revised Civil Statutes of Texas; repealing said Chapter 122, Acts of the Thirty-fourth Legislature; providing for the creation of a State Board of Public Accountancy in Texas; providing for the appointment of members of said board, and prescribing their qualifications, powers and duties in regulating the practice of Public Accountancy in Texas; providing for the issuance of annual permits to practice Public Accountancy, providing for the examination of and issuance of the Certificate of Certified Public Accountant to qualified applicants; providing venue and procedure for cancellation of any certificate or permit; repealing all laws in conflict therewith; providing for penalties for violating the provisions of said Act; and declaring an emergency."

(b)

Section 1. Name. This Act may be cited as the "Public Accountancy Act of 1945."

Section 2. Definitions. (a) "Practice of Public Accountancy." A person engages in the "practice of public accountancy" within the meaning of this Act who, holding himself out to the public as a public accountant, in consideration of compensation received or to be received by him, offers to perform or does perform, for other persons, service which involve the auditing or examination of financial transactions, books, accounts or records, or the preparation of, or the reporting over his signature on, financial, accounting, and related statements.

(b) BOARD — The Term "Board" when used in this Act means the "Texas State Board of Public Accountancy."

(c) PERSON — The term "person," when used in this Act, shall, unless the context indicates otherwise, mean individuals, partnership, and corporations.

Section 3. Acts not Restricted. Nothing contained in this Act shall prevent any person from serving as an employee of, or an assistant to, a certified public accountant or public accountant or partnership or corporation engaged in the practice of public accountancy. Nothing in this Act is intended to prescribe any qualifications for, or affect the eligibility of, any person to be an official or

employee of any governmental agency.

Section 4. State Board of Public Accountancy. The Texas State Board of Public Accountancy shall consist of five members, each of whom shall be a citizen of the United States and a resident of this State. Members of the Board and their successors shall be appointed by the Governor, with the advice and consent of the Senate, and shall be accountants in public practice who hold Certified Public Accountant certificates issued under the laws of this state. Members of the Board shall hold office for terms of two years, or until their successors are appointed and have qualified, except the members of the Board first to be appointed who shall hold office, two for one year and three for two years, as designated by the Governor. Vacancies occurring during a term shall be filled by appointment for the unexpired term. The Governor shall remove from the Board any member whose permit to practice has been void, revoked or suspended.

Section 5. Powers and Duties of Board. The Board shall administer the provisions of this Act. The Board shall formally elect a chairman and a secretary-treasurer from its members and may adopt such rules as it deems necessary for the orderly conduct of its affairs. The Board may promulgate, and may amend from time to time, rules of professional conduct appropriate to establish and maintain a high standard of integrity in the profession of public accountancy, after notice to all holders of valid permits to practice public accountancy in this State. Such notice shall set forth the proposed rules of professional conduct or amendments and the time when same shall be voted on by public accountants holding valid permits under this Act. No such rule or amendment shall be operative until approved by a majority of those voting at such election. The voting shall be by mail and under such reasonable rules and regulations as the Board may prescribe. The Board shall declare the results of such election and proclaim the effective date of such rules of professional conduct, or amendments, and adopt reasonable means of notifying all Public Accountants of the results of such election. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall have a seal which shall be judicially noticed.

The Board shall keep records of all proceedings and actions by and before the Board. The Board may employ such clerks as are necessary to assist it in the performance of its duties and in the keeping of its records.

Section 6. Compensation of Board. Members of the Board shall not receive any compensation for their services but shall be reimbursed for their necessary expenses incurred in the discharge of their official duties.

Section 7. Expense of Board. All expenses incurred under this Act shall be paid from the fees collected by the Board under this Act. No expenses incurred under this Act shall ever be a charge against the funds of the State of Texas. The Board shall, as of December 31, 1946, and annually thereafter, report to the Governor of the State of Texas the receipts and disbursements under his Act, for each calendar year.

Section 8. Prohibition Against Practicing without Permit. After January 1st, 1946, no person shall engage in the practice of public accountancy in this state unless such person is the holder of a valid permit to practice public accountancy issued by the Board.

Section 9. Annual Permits to Practice. Permits to engage in the practice of public accountancy in this state shall be issued by the Board to the following upon the payment of fees hereinafter specified:

(a) Holders of the certificates of certified public accountant issued under this Act.

(b) Such persons as are registered with the Board under the provisions of Section 10 of this Act.

(c) Such persons as are registered with the Board under the provisions of Section 14 of this Act.

There shall be paid to the Secretary-Treasurer of the Board, a permit fee of Five (\$5.00) Dollars. All permits shall expire on the 31st day of December of each year, but shall, annually, be renewed for a period of one year, upon the payment of a fee of not more than Five (\$5.00) Dollars, the Board being hereby given the authority and duty to determine the amount of such renewal fee for each coming year on or before December 1st of each year and to mail notices thereon each year by that date.

Failure of any permit holder to pay the annual registration renewal fee

on or before January 31st of each year shall automatically cancel his permit. Any permit holder whose permit shall have been cancelled because of failure to pay the annual registration renewal fee may secure reinstatement of his permit at any time within that calendar year upon payment of the delinquent registration fee together with a penalty of Two Dollars and Fifty Cents (\$2.50). After expiration of the calendar year for which the registration fee was not paid, no permit shall be reinstated except upon application and examination satisfactory to the Board. The Board shall have no authority to waive the collection of any fee or penalty.

Section 10. Registration with the Board. The following persons shall be registered with the Board for the practice of public accountancy in this State:

(a) All individuals and public accountants qualified or who may qualify under Section 11 of this Act.

(b) Partnerships qualified under Section 17 and 19 of this Act.

(c) Corporations qualified under Section 21 of this Act.

All applicants for registration shall furnish satisfactory evidence that the applicant is entitled to registration. The Board shall have power to examine such applications and may refuse registration to any applicant who is unable to meet the standards imposed by this Act.

Section 11. Individuals or Public Accountants Entitled to Register. All person listed in subdivisions (a), (b), and (c) of this section who are citizens of the United States, or have declared their intention of becoming citizens, who reside within the State or have a place for the regular transaction of business therein, and who are twenty-one years of age or over, and of good moral character, may register on or before the 1st day of November 1945 with the Board as public accountants as provided in Section 10 of this Act.

(a) Persons engaged at the date of the enactment of this Act, or persons who have engaged for at least three years during the ten years immediately preceding the date of enactment of this Act, in the practice of public accountancy within the state either as individuals on their own account, members of co-partnerships engaged in the practice of public accountancy, or as officers of corpora-

tions engaged in the practice of public accountancy.

(b) Any individual who at the date of the enactment of this Act, may be an employee of any person engaged in the practice of public accountancy or may be employed in any governmental agency, provided all such persons meet any one of the three following standards:

(1) Who is a graduate of a senior college or university and has completed thirty or more semester hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least twenty semester hours or the equivalent thereof shall be in the study of accounting, and has been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accountant nature which continually requires independent thought and judgment on important accounting matters for two years preceding the date of application, or

(2) Who is a graduate of a senior college or university but has not completed the hours of study in subjects specified in subdivision (1) of this section, and has been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters for three years preceding the date of application, or

(3) Who is a graduate of a high school with a four year course or has an equivalent education and has been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters, for at least four years preceding the date of application.

(c) Individuals serving in the armed forces of the United States or any of the United Nations, who at the date of entering such service may be qualified as specified in either subdivision (a) or (b) of this section. In the case of any person serving in the armed forces of the United States or any of the United Nations on the ef-

fective date of this Act, the Board shall extend the time for compliance prescribed by any provisions of this Act, for a period of twelve months from the time such person is honorably discharged from such service.

Section 12. Certification of Certified Public Accountants. The certificate of "certified public accountants" shall be granted by the Board to any person who is (a) a citizen of the United States or who has duly declared his or her intention of becoming such citizen, and who is a resident of the State of Texas or has a place of business or is employed therein at the time of his application, and (b) who is over the age of twenty-one (21) years, and (c) who is of good moral character, and (d) who meets the requirements of education and experience of one of the three following subdivisions:

(1) Who is a graduate of a senior college or university recognized by the Board, and has completed thirty or more semester hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least twenty hours or the equivalent thereof shall be in the study of accounting, and has been engaged in practice as a Public accountant, or been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters for one year preceding the date of application, or

(2) Who is a graduate of a senior college or university recognized by the Board but has not completed the hours of study in subjects specified in subdivision (1) of this section, and has been engaged in practice as a public accountant, or been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters for three years preceding the date of application, or

(3) Who is a graduate of a high school with a four year course or has an equivalent education and has been in practice as a public accountant, or been in the employ of a person en-

gaged in the practice of public accountancy, or shall have been employed as an accountant, or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matter, for at least four years preceding the date of application, and

(e) Who shall have successfully passed written examinations in theory of accounts, in accounting practice, in auditing, in commercial law as affecting accounting and in such other related subjects as the Board may deem advisable. Each applicant shall be required to make a grade of at least seventy-five (75%) per cent on each subject. Applicants for the examinations shall meet the requirements stated in subdivision (a), (b), (c) and (d) of this section before such applicant shall be permitted to take the examination, except a candidate for the certificate of "certified public accountant" who meets the educational requirement in subdivision (1) of clause (d) of the first paragraph of this section shall be immediately entitled to examination in subjects other than accounting practice but shall be required to meet the one-year experience requirement of said subdivision (1) before admission to examination in accounting practice.

The holder of a certificate heretofore issued under the provisions of Chapter 122 of the Acts of Thirty-fourth Legislature shall not be required to secure a new certificate as a certified public accountant under this Act, but shall otherwise be subject to all the provisions of this Act; and such certificates heretofore issued shall, for all purpose, be considered certificates issued under this Act and subject to the provisions hereof.

Section 13. Reciprocity. (a) The Board may in its discretion waive the examination of and may issue a certificate as "certified public accountant" to any person possessing the other qualifications mentioned in Section 12 of this Act who is the holder of a certificate as certified public accountant issued under the laws of any State or territory (or the equivalent thereof issued in any foreign country), provided the requirements for such certificates in the State or territory (or foreign country) which has granted it to the applicant were in

the opinion of the Board equivalent to those required in this state at the time the applicant's original certificate was issued, and provided that such State or territory (or foreign country) may extend the same privilege to certified public accountants holding certificates from this State.

(b) Any person holding a permit under the laws of any State or Territory to practice public accountancy, if such State or Territory in the opinion of the Board has standards equal to those required by this State, shall be granted a permit by the Board of this State if such State or Territory admits public accountants of this State to practice in such State or Territory.

Section 14. Certified Public Accountants of Other States and Persons Holding Similar Titles in Foreign Countries—Registration Thereof. A certified public accountant of another State or Territory, or the holder of a certificate, license, or degree authorizing him to practice public accountancy in a foreign country, may register with the Board of as a certified public accountant of such other State or Territory, or as holding such certificate, license or degree of a foreign country, if the Board determines that the standards under which the applicant becomes a certified public accountant, or received such certificate, license, or degree, were as high as the standards of this state at the same time for giving the certificate of certified public accountant. A person so registered may describe himself as a certified public accountant of the State or Territory which issued his certificate, or may use the title held by him in a foreign country, provided that the country of its origin is indicated.

Section 15. Examinations, Re-Examinations, and Fees Therefor. All examinations provided for herein shall be conducted by the Board. The examinations shall take as often as may be necessary in the opinion of the Board but not less frequently than once each year. The time and place of holding examinations shall be duly advertised for not less than three (3) days in three (3) daily newspapers published in the three (3) most populous cities in Texas beginning not less than thirty (30) days prior to the date of each examination. A candidate who fails shall have the right to any number of re-examinations. A candi-

date who passed a satisfactory examination in at least two subjects, or has passed at least two subjects under the prior Act (Chapter 122, Acts Thirty-fourth Legislature) shall have the right to be re-examined in the remaining subjects only, at subsequent examinations held by the Board, and if he passes in the remaining subjects, he shall then be considered to have passed the examinations. The Board shall charge for the examinations (together with certificates to successful applicants provided for in this Act) a fee of Twenty-five Dollars (\$25.00) which shall be payable by the applicant at the time of making initial application. Should the applicant fail to pass the required examination, re-examination or subsequent examinations will be given the same applicant for an additional fee of Ten Dollars (\$10.00) for each examination. All fees provided for in this Act shall be paid to the Secretary-Treasurer of the Board.

Section 16. Use of Name Certified Public Accountant-Abbreviations. Any person who has received from the Board a certificate of certified public accountant and holds a valid permit to practice shall be styled and known as a "Certified Public Accountant" and may also use the abbreviation "C.P.A." No other person except partnerships registered under this Act, shall assume or use that title or abbreviation or any other title, sign, card or device tending to imply that the person using the same is a certified public accountant.

Section 17. Use of Name of Certified public Accountant-Partnership. A partnership engaged in this state in the practice of public accountancy may register with the Board as a partnership of certified public accountants provided it meets the following requirements:

(a) At least one general partner thereof must be a certified public accountant of this state in good standing.

(b) Each partner thereof personally engaged within this state in the practice of public accountancy as a member thereof must be a certified public accountant in this state in good standing.

(c) Each partner thereof must be a certified public accountant of some state in good standing.

(d) Each resident manager in charge of an office of the firm in this

state must be a certified public accountant of this state in good standing.

Application for such registration must be made upon the affidavit of a general partner of such partnership who is a certified public accountant of this state in good standing. Such affidavit must set forth the partnership name and the post-office address thereof within the State, and the address of the principal office thereof wherever located, together with the name, residence and post office address of each general partner. The Board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a permit issued under Section 9 of this Act may use the words "certified public accountants" or the abbreviation "C.P.A.'s" in connection with its partnership name. Notification shall be given the Board, within one month, after the admission to or withdrawal of a partner from any partnership so registered.

Section 18. Use of Name Public Accountant. Any individual qualified under this Act to register with the Board for the practice of Public Accountancy and who has so registered and who holds a valid permit for the practice of public accountancy, may be styled and known as a "public accountant." No other person except partnerships registered under this Act shall assume or use that designation or any other designation tending to imply that the person using the same is a public accountant. This section shall not be applied to a certified public accountant.

Section 19. Use of Name Public Accountant-Partnership. A partnership engaged in this state in the practice of public accountancy may register with the Board as a partnership of public accountants provided it meets the following requirements:

(a) At least one general partner thereof must be a certified public accountant or a public accountant of this state in good standing.

(b) Each partner thereof personally engaged within this state in the practice of public accountancy as a member thereof must be a certified public accountant or a public accountant of this state in good standing.

(c) Each resident manager in charge of an office of a firm in this

state must be a certified public accountant or a public accountant of this state in good standing.

Application for such registration must be made upon the affidavit of a general partner of such partnership who holds a permit to practice in this state as a certified public accountant or as a public accountant. Such affidavit must set forth the partnership name and the post-office address thereof within the State, together with the name, residence and address of each general partner of the partnership. The Board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a partnership permit issued under Section 9 of this Act may use the words "public accountants" in connection with its partnership name. Notification shall be given the Board, within one month, after the admission to or withdrawal of a partner from any partnership so registered.

Section 20. Prohibited Abbreviations. The use in the practice of public accountancy of the designations "chartered accountant," "certified accountants," "enrolled accountants," "registered accountant," "bonded accountant," "licensed accountant," or other such designations or of the abbreviations "CA," "EA," "RA," "BA," "LA," or other such abbreviations by a public accountant or by any other person is prohibited. Nothing in this section shall prohibit certified public accountants or public accountants holding permits under this Act from using the designation "accountants and auditors" or "auditors and accountants."

Section 21. Practice of Public Accountancy by Corporations. A corporation authorized to engage in the practice of public accountancy in this state and actually engaged in such practice at the time of the enactment of this Act, may register with the Board as a corporation engaged in the practice of public accountancy. Application for such registration must be made upon the affidavit of an officer of such corporation. The Board shall in each case determine whether the applicant is eligible for registration. A corporation which is so registered and which holds a permit issued under this Act may practice public accountancy under a corporate name indicating that it is engaged in such practice; provided it had such

corporate name before the enactment of this Act.

Section 22. Revocation or Suspension of Certificate or Permit. The Board shall have the power to institute proceedings against any person holding a certificate or permit under this Act to revoke or suspend the certificate or permit of such person who shall be charged and found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate or a permit.

(b) Any gross negligence or misconduct in the practice of public accountancy.

(c) Violation of any of the provisions of this Act or any of the rules or regulations promulgated by the Board.

Section 23. Procedure and Review. Any proceedings instituted for the purpose of cancelling or suspending any certificate or permit granted by the Board shall be upon motion of the Board or upon the affidavit of any reliable citizen of this state. Upon the filing of such affidavit with the Secretary of the Board, which affidavit must set forth specific facts upon which the charge is made, the Board, if it deems the information contained in the affidavit sufficient to support further action on its part, shall request the Attorney General of Texas to file suit, in the name of the Board as plaintiff, against the person complained of as defendant, for the purpose of cancelling or suspending such certificate or permit. Such suits shall be filed in the District Court of the county where the defendant resides at the time the acts complained of and the cause shall be tried as other civil causes. If the Court finds that the defendant has committed the act or acts charged in plaintiff's petition, and if such act or acts are in violation of the provisions of this Act, the Court shall enter judgment cancelling or suspending such certificate or permit. Either party may appeal the case in the same manner as provided for in ordinary civil cases. Such suits must be instituted within two years after such affidavit is filed with the Board.

Section 24. Penalties. After the effective date of this Act, any person who shall practice or offer to practice public accountancy, as defined in this Act, without having obtained a certificate or permit or any person who shall violate any of the provisions of this Act shall be deemed guilty of a mis-

demeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in jail for not more than six (6) months, or by both such fine and imprisonment.

Section 25. If any section or any part of this Act shall be held to be invalid, such invalidity shall not affect the remaining portions thereof, it being the express intention of the Legislature to enact such Act without respect to such section or part so held to be invalid.

Section 26. Chapter 122, Acts of the Thirty-fourth Legislature and Articles 1132 and 1133, Penal Code, and all laws or parts of laws in conflict herewith are hereby expressly repealed.

The fact that many people are holding themselves out as public accountants when such persons are not qualified to act as public accountants, resulting in a disregard of the rights of the public, and the crowded condition of the calendar creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Morris offered the following amendment to the amendment:

Amend the Substitute for Senate Bill No. 176, by striking out the words "with a four year course" in the first line of Section 11 (b) (3).

The amendment to the amendment was adopted.

Senator Morris offered the following amendment to the amendment.

Amend the Substitute for Senate Bill No. 176, by inserting the following sentence immediately preceding the last sentence of Section 15: "Any person who has taken the examination under the prior Act shall be entitled to reexamination under this Act."

The amendment to the amendment was adopted.

Senator Taylor offered the following amendment to the amendment:

Amend amendment No. 1 to Senate Bill No. 176, Section 4, page 2, line 6, by striking out the following:

"who hold Certified Public Accountant Certificates issued under the laws of this State."

(President in the Chair)

Senator Aikin offered the following substitute for the amendment to the amendment:

Amend S. B. No. 176 by striking out all of line 6 and insert the word "in" before the words "this state" in line 7.

Senator Morris moved to table the substitute for amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—14

Bullock	Martin
Carney	Moore
Chadick	Morris
Crawford	Parrish
Hazlewood	Ramsey
Knight	Shivers
Lane	Stanford

Nays—14

Aikin	Spears
Graves	Stone
Jones	Sulak
Lanning	Taylor
Mauritz	Vick
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Brown	York
Kelley	

Question recurring on the substitute for the amendment to the amendment, it was adopted by the following vote:

Yeas—15

Aikin	Shivers
Graves	Spears
Jones	Stone
Lanning	Sulak
Martin	Taylor
Mauritz	Weinert
Metcalfe	Winfield
Moffett	

Nays—13

Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Hazlewood	Stanford
Knight	Vick
Lane	

Absent—Excused

Brown	York
Kelley	

The amendment to the amendment as substituted was then adopted.

The amendment as amended was adopted.

On motion of Senator Morris, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

Senate Bill No. 176 was then passed to engrossment.

Senate Bill 176 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 176 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Weinert
Metcalfe	Winfield

Absent—Excused

Brown	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin and Sulak asked to be recorded as voting "nay" on the final passage of the bill.

Senate Bill 79 Tabled Subject to Call

On motion of Senator Mauritz, Senate Bill No. 79 was laid on the table subject to call.

House Concurrent Resolution 70

On motion of Senator Winfield, and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time:

H. C. R. No. 70, Authorizing the Enrolling Clerk of the House to make certain changes in House Bill No. 801.

The resolution was read and was adopted.

House Concurrent Resolution 68

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 68, authorizing the enrolling clerk of the House to make certain corrections in House Bill No. 217.

The resolution was read and was adopted by the following vote:

Yeas—28

Aikin	Moffett
Bullock	Moore
Carney	Morris
Chadick	Parrish
Crawford	Ramsey
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Sulak
Lanning	Taylor
Martin	Vick
Mauritz	Weinert
Metcalf	Winfield

Absent—Excused

Brown	York
Kelley	

Senate Bill 48 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 48, A Bill to be entitled An Act providing for a more secret ballot; amending Article 2980, Title 50, Chapter 7, of the Revised Civil Statutes of Texas, 1925; amending Article 2990, Title 50, Chapter 7, of the Revised Civil Statutes of Texas, 1925; amending Article 3008, Title 50, Chapter 8 of the Revised Civil Statutes of Texas, 1925; amending Article 3012, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925, concerning the depositing of the ballot after it has been prepared by a citizen; providing for the procedure to be followed by the election judges and

clerks in handling such prepared ballot; providing for the procedure to be followed by the citizen after having prepared for any person to willfully open the ballot box wherein perforated portions of the ballot have been deposited, or cause same to be opened or in any manner willfully reveal the contents of said ballot box or cause or permit the same to be revealed and making of each such unlawful acts a felony and providing for the punishment of any person guilty of committing such unlawful acts; amending Article 3015, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925; amending Article 3018, Title 50, Chapter 8, of the Revised Civil Statutes of Texas, 1925; amending Article 3109, Title 50, Chapter 13 of the Revised Civil Statutes of Texas, 1925; amending Article 3122, Title 50, Chapter 13, of the Revised Civil Statutes of Texas, 1925; providing for a saving clause; repealing all laws or parts of laws in conflict with this Act to the extent of such conflict only; and declaring an emergency.

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Senate Resolution 71

Senator Hazlewood offered the following resolution:

Whereas, John J. Reagan, prominent citizen of Spencerville, Ohio, is present in Austin and is now in the Capitol on this 1st day of May, 1945, observing the operations of government; now, therefore, be it

Resolved, By the Senate of Texas, that there be extended to this visitor a cordial welcome to the Capitol and that the privileges of the floor be extended to him.

The resolution was read and was adopted.

Reports of Standing Committees

By unanimous consent the following committee reports were submitted at this time:

Austin, Texas,
April 30, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred House Bill No. 484 by Leonard, have had

same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MAURITZ, Chairman.

Austin, Texas,
April 30, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We your committee on State Affairs, to whom was referred H. B. No. 636 by Files, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MAURITZ, Chairman.

Austin, Texas,
April 30, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We your committee on State Affairs, to whom was referred S. C. R. No. 29, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MAURITZ, Chairman.

Austin, Texas,
April 30, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred H. B. No. 111, have had same under consideration and I am instructed to report same back to you with the recommendation that it do pass and be not printed.

VICK, Chairman.

Austin, Texas,
April 25, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Privileges and Elections, to whom was referred House Bill No. 86, have had same under consideration, and I am instructed to report it back with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Coun-

ties and County Boundaries, to whom was referred House Bill No. 795, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CHADICK, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Judicial Districts, to whom was referred S. B. No. 335, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

SHIVERS, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence, to whom was referred H. B. No. 278, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred H. B. 518, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred H. B. 620, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred H. B. 463, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred H. B. 571, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred H. B. 633, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred House Bill No. 137, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 337, have had some under consideration and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 376 have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Recess

On motion of Senator Metcalf, the Senate, at 12:10 o'clock p. m., took recess to 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

Senate Bill 48 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Senate Bill No. 48, known as the Secret Ballot bill, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Stone offered the following amendment to the bill:

Amend S. B. 48 by adding immediately after Section 8 a new section to be known as Section 8-A, to read as follows:

"Section 8-A. That there be added to Title 50, Chapter 3 of the Revised Civil Statutes of the State of Texas, 1925, a new article to read as follows:

"Article 2942 b. In any special election held in any city or county of this State or subdivision thereof either or both the proponents or the opponents of the issue to be voted upon may apply to the County Judge for the appointment of election supervisors, submitting with such application the names of persons for whom such appointment is sought and the voting precinct of each person so nominated. The application may be made for supervisors at one or more of the voting precincts where ballots

of the election will be cast. The County Judge shall have the authority, and it is hereby made his duty, to appoint five days preceding the date of any such election the supervisors requested in any such application, except any that he shall find is not a reputable citizen and a voting resident of the precinct for which he is designated in the application. Any such supervisor shall be permitted to sit conveniently near the judges, so that he can observe the conduct of the election, including the counting of the votes, the locking and sealing of the ballot boxes, their custody and safe return. He shall not be permitted to enter into any conversation with the judges or clerks regarding the election while it is progressing, except to call the attention of the judges or clerks to any irregularity or violation of the law that he may observe. Before he shall be permitted to act as supervisor, he shall take an oath, to be administered by the presiding judge, that he will mention and note any errors he may see in testing or counting the votes, and that he will well and truly discharge his duties as supervisor impartially, and will report in writing all violations of the law and irregularities that he may observe to the next grand jury."

The amendment was adopted.

On motion of Senator Stanford, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

(Pending consideration of the bill, the President pro tempore occupied the Chair temporarily.)

(President in the Chair)

Question recurring on the engrossment of the bill, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—14

Aikin	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Spears
Martin	Stanford
Moffett	Stone
Moore	Sulak

Nays—12

Bullock	Crawford
Carney	Jones

Knight	Taylor
Lane	Vick
Lanning	Weinert
Metcalfe	Winfield

Absent

Parrish	Mauritz
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Absent—Excused

Brown	York
Kelley	

Senate Bill 48 on Third Reading

Senator Stanford moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Moffett
Bullock	Moore
Chadick	Morris
Crawford	Parrish
Graves	Ramsey
Hazlewood	Shivers
Jones	Spears
Knight	Stanford
Martin	Stone
Mauritz	Sulak
Metcalfe	Weinert

Nays—5

Carney	Vick
Lane	Winfield
Taylor	

Absent

Lanning

Absent—Excused

Brown	York
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and failed to pass by the following vote:

Yeas—14

Aikin	Moore
Chadick	Morris
Graves	Ramsey
Hazlewood	Shivers
Martin	Spears
Mauritz	Stanford
Moffett	Stone

Nays—14

Bullock	Metcalf
Carney	Parrish
Crawford	Sulak
Jones	Taylor
Knight	Vick
Lane	Weinert
Lanning	Winfield

Absent—Excused

Brown	York
Kelley	

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 646 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following conferees have been appointed on the part of the House: Coker, A. M. Jones, M. C. Smith, Mills, Harrell.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives

Conference Committee on House Bill 646

Senator Knight called for the consideration at this time of the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 646 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Knight, Metcalfe, Mauritz, Morris and Jones.

Conference Committee Appointed on House Bill 558

In accordance with a motion by Senator Knight which prevailed on yesterday, the President announced the appointment of the following conference committee on House Bill No. 558:

Senators Knight, Metcalfe, Mauritz, Morris and Jones.

Senate Bill 233 with House Amendments

The President laid before the Senate, as postponed business, the motion of Senator Morris that the Senate concur in House Amendments to Senate Bill 233.

The motion prevailed by the following vote:

Yeas—24

Aikin	Metcalf
Bullock	Moffett
Carney	Moore
Chadick	Morris
Crawford	Parrish
Graves	Shivers
Hazlewood	Spears
Jones	Stanford
Knight	Stone
Lane	Taylor
Lanning	Weinert
Martin	Winfield

Nays—2

Sulak	Vick
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Absent

Mauritz	Ramsey
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Absent—Excused

Brown	York
Kelley	

Senate Bill 234 with House Amendments

Senator Morris called S. B. No. 234 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Morris moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—24

Aikin	Mauritz
Bullock	Metcalf
Carney	Moffett
Chadick	Morris
Crawford	Parrish
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Weinert
Martin	Winfield

Nays—1

Vick

Absent

Moore
Ramsey

Shivers

Absent—Excused

Brown
Kelley

York

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 1, 1945.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following Bills:

S. B. No. 290, To create a more
efficient road system for Lubbock
County, Texas, and making County
Commissioners ex-officio precinct
road commissioners of their respec-
tive precincts.

S. B. No. 334, An act repealing
Sections 3, 4, 5, 6, 8 and 9 of House
Bill No. 431, Chapter 24 of the Local
and Special Laws, passed by the 32nd
Legislature, 1911; and declaring an
emergency.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk House of Representatives

Committee Substitute Senate Bill 1
on Second Reading

The President laid before the Sen-
ate, as a special order for this hour
on its second reading and passage to
engrossment:

C. S. S. B. No. 1, A bill to be entitled
"An Act declaring the policy of this
State with reference to citizens of
the Americas, declaring that public
places catering to the public for busi-
ness and profit are public utilities, de-
fining the term "Mexican or Latin-
American origin," providing for the
elimination of discrimination by pub-
lic utilities against persons of Mexi-
can or Latin-American origin, pre-
scribing penalties and civil damages,
repealing all laws in conflict, and de-
claring an emergency."

The bill was read second time.

Senator Spears offered the follow-
ing amendment to the bill:

Amend Senate Bill No. 1, line 47

by adding after the word "person" the
words "of Mexican or Latin-American
origin or of the Caucasian or Indian
race."

The amendment was adopted.

Senator Lane offered the following
amendment to the bill:

Amend Senate Bill No. 1 by writing
thereto a new section, to be known as
"Section 6a," and reading as follows:

"Section 6a. The provisions of this
Act (anything in any other section to
the contrary notwithstanding) shall
not apply to any country or to citizens
or relatives of citizens of any country
which:

"(1) Does not have a law or laws
granting to citizens of Texas and of
these United States the same privi-
leges and rights in such country as
are listed above; or

"(2) Requires a citizen of the
United States to have a registration
card and renew it annually while in
such country; or

"(3) Requires 50% of the stock of
any corporation doing business in
such country to be owned by citizens
of such country; or

"(4) Requires as many as 75%
of the employes of any company do-
ing business in such country, to be
citizens of such country; or"

(Pending consideration of the
amendment Senator Lanning and Sen-
ator Ramsey each occupied the Chair
temporarily.)

(President in the Chair)

Senator Spears moved to table the
amendment.

Question—Shall the motion to table
prevail?

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 1,, 1945.

Hon. John Lee Smith, President of
the Senate.

Sir: I am directed by the House to
inform the Senate that the House has
passed the following bills:

S. B. No. 61, A bill to be entitled
"An Act accepting moneys, funds,
gifts, or other assets authorized by
Federal Statute and tendered to the
State of Texas in lieu of taxes as a
gift by the Federal Public Housing
Authority, or any other Federal
Agency and applying to all such ten-

ders whether made in the past or in the future, directing the Comptroller to execute such instruments that may be proper and necessary in taking this money into account in the State Treasury and depositing such moneys into the State General Revenue Fund, and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act directing and authorizing the Comptroller to transfer Eight Hundred Thitry-eight Dollars and Forty-one Cents (\$838.41) from the Suspense Fund to the General Revenue Fund; Ninety-one Dollars and Fifty-eight Cents \$(91.58) from the National Guard Fund to the General Revenue Fund; and Seven Hundred Twenty-two Dollars and Three Cents (\$722.03) from the Unorganized Counties Tax Fund to the General Revenue Fund; and providing that the Comptroller, with the consent and approval of the State Auditor and Efficiency Expert and the State Treasurer, may transfer dormant funds to the General Revenue under certain circumstances; and that when such transfers are made to the General Fund, the same may be subject to appropriation by the Legislature for a refund, and declaring an emergency."

S. B. No. 169, A bill to be entitled "An Act fixing the length of the term of the 99th District Court in and for Lubbock County, Texas, and the time of holding the terms of said 99th District Court, validating and continuing all processes issued or served before this Act takes effect, including recognition and bonds and making them returnable to the terms of the Court in said county, and to validate the summonings of grand and petit juries under present law so as to render them available in said county under this Act providing for the holding and closing of the terms of Court in session at the time that this Act takes effect, and declaring an emergency."

S. B. No. 220, Making certain emergency appropriations for the State Board of Hairdressers and Cosmetologists for the remainder of the current fiscal year ending August 31, 1945.

S. B. No. 289, To amend Chapter 361, Acts 1943, 48th Legislature, page 635, providing for the classification of prisoners for good conduct, industry and obedience, and the commutation of time in accordance with said classification.

S. B. No. 322, Providing for a county law library for certain counties having a population of not less than thirty thousand (30,000) inhabitants nor more than thirty-nine thousand (39,000).

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Executive Session

On motion of Senator Winfield, and by unanimous consent, the Senate, at 4:55 o'clock p. m., agreed to hold an executive session immediately.

Accordingly, the floor and galleries were cleared of those not entitled to attend the executive session, and the doors leading from the Senate Chamber were closed.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk the following appointments had been confirmed by the Senate:

To be members of the Board of Regents, State Teachers Colleges, for a six year term to expire January 10, 1951:

V. A. Collins of Livingston, Polk County.

To be a member of the State Board of Nurse Examiners for a six year term to expire April 9, 1951:

Miss Blanch Thompson of Fort Worth, Tarrant County.

To be Directors of the Guadalupe-Blanco River Authority for terms expiring February 1, 1951:

E. A. Schumann of New Braunfels, Comal County.

S. A. Wagenfuehr of New Braunfels, Comal County.

To be a member of the Board of Regents, State Teachers Colleges, for term expiring January 10, 1951:

William L. Kerr of Midland, Midland County.

(On April 19, 1945, a message was submitted appointing Henry T. Fletcher of Presidio County as a Member of the Board of Regents, State Teachers College. Mr. Fletcher in a telegram dated April 22, 1945, declined the appointment. Copy of telegram is attached to the original message.)

To be Associate Justice of the Court of Civil Appeals for the Seventh Supreme Judicial District to fill the unexpired term of Honorable Clayton

Heare, resigned, term to begin immediately upon qualification:

Major William Q. Boyce of Amarillo, Potter County.

(On March 28, 1945, a message was submitted to the Senate appointing Honorable Tom Garrard to this place. Mr. Garrard in a letter date April 13, 1945, declined the appointment. Copy of letter is attached to the original message.)

Legislative Session

The President called the Senate to order as in legislative session at 5:22 o'clock p. m.

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 711, have had said bill under consideration, and we wish to report it back to the Senate with the recommendation that it do pass with Committee Amendment and be not printed.

VICK, Chairman.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 592, have had said bill under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

VICK, Chairman.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 503, have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

VICK, Chairman.

Adjournment

On motion of Senator Lane, the Senate, at 5:30 o'clock p. m., adjourned until 10:30 o'clock a. m., tomorrow.

SIXTY-SEVENTH DAY

(Wednesday, May 2, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Shivers
Graves	Spears
Hazlewood	Stanford
Jones	Stone
Knight	Sulak
Lane	Taylor
Lanning	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	

A quorum was announced present.

The Rev. J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Kelley was granted leave of absence for today on account of important business on motion of Senator Winfield.

Senator York was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senate Bill 206 Set as Special Order

Senator Spears moved that Senate Bill No. 206 be set as a special order for Friday, May 4, 1945, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—25

Brown	Knight
Bullock	Lane
Carney	Lanning
Chadick	Martin
Crawford	Metcalf
Graves	Moffett
Hazlewood	Moore
Jones	Morris